



Arizona Regulatory Board of Physician Assistants

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258-5514
Telephone: 480-551-2700 • Fax: 480-551-2704 • www.azpaboard.org

Janet Napolitano
Governor

Randy Danielsen, Ph.D., P.A.-C.
Chairman

Barry A. Cassidy, Ph.D., P.A.-C.
Executive Director

FINAL MINUTES FOR REGULAR SESSION MEETING Held at 1:00 p.m. on August 25, 2004 9535 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

Randy D. Danielsen, Ph.D., P.A.-C, Chair
Albert Ray Tuttle, P.A.-C, Vice Chair
Michael E. Goodwin, P.A.-C
G. Bradley Klock, D.O.
James Edward Meyer, M.D.
Sigmund Popko, Public Member
Anna Marie Prassa, Public Member
Joan M. Reynolds, P.A.-C
Peter C. Wagner, D.O.
Barry D. Weiss, M.D., FAAFP

Board Counsel

Christine Cassetta, Assistant Attorney General

Staff

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director
Barbara Kane, Assistant Director
Beatriz Garcia Stamps, M.D., M.B.A., Board Medical Director
Tricia Steffey, Board Coordinator
Susan Ahn, Legal Coordinator

WEDNESDAY, August 25, 2004

CALL TO ORDER

Randy D. Danielsen, Ph.D., P.A.-C, Chair, called the meeting to order at 1:00 p.m.

ROLL CALL

The following Board Members were present: Randy D. Danielsen, Ph.D., P.A.-C, Albert Ray Tuttle, P.A.-C, Michael E. Goodwin, P.A.-C, G. Bradley Klock, D.O., James Edward Meyer, M.D., Sigmund Popko, Anna Marie Prassa, Joan M. Reynolds, P.A.-C, Peter C. Wagner, D.O. The following Board Members were absent from the meeting: Barry D. Weiss, M.D., FAAFP

CALL TO THE PUBLIC

Kristin A. Foulke, MPH, PA-C, Legal and Legislative Affairs Committee Chair for the Arizona State Association of Physician Assistants (ASAPA) made a statement at the Call to the Public regarding the proposed changes to A.R.S. § 32-2531(d) and A.A.C. R4-17-305 on the Board's agenda. Specifically the proposed change to allow meetings between physicians and physician assistants be conducted electronically. She asked that the Board request a formal review from the Governor's Office and Attorney General's Office requesting that these changes be made to the Rules rather than going to the Legislature. She stated that the Legislature should be addressed for opportunities that may change the Practice Act, and that this bill could possibly be included with other Practice Acts, rather than standing alone.

PA Foulke also asked the Board to consider the number of people that would benefit from this change and the future potential for changing the Practice Act. She stressed the importance that Physician Assistants (PA) should maintain a strong relationship with their Supervising Physician. ASAPA is also concerned this will give the perception that PA's are trying to break away from the Supervising Physician role. This is the largest concern for ASAPA. PA Foulke stated that ASAPA is willing to work with the Board to develop further legislation to accommodate PAs that work in rural areas of the state.

NON-TIME SPECIFIC ITEMS

Proposed Changes to A.R.S. § 32-2531(d) & A.A.C. R4-17-305

Sigmund Popko suggested adding a requirement in the proposal that a Physician Assistant (PA) must be in practice for a specific amount of time before allowing them to attend teleconference meetings with their Supervising Physician. He also suggested quarterly meetings to accommodate PAs that work in rural areas. James Edward Meyer, M.D., suggested that the Board would have to grant special permission for teleconference meetings in order to discourage that meeting when a PA is in close proximity to their Supervising Physician. Christine Cassetta, Board Counsel, informed the Board Members that although the Governor's Office requires agencies to file intended legislative changes that filing serves as a "placeholder" and the Board is not bound to the exact language in that document. The filing is merely to inform the Governor's Office of the Board's desire to seek a statutory change. Ms. Cassetta noted that at a previous meeting when this issue was considered the Board asked Staff to research what other states were doing. Ms. Cassetta did not see that research, nor did she draft or review the language proposed by the Executive Director. She noted that the language as proposed did not address the Board's comments from the last meeting, mainly that the change should be applicable only in rural, underserved areas and require the Board's permission on a licensee by licensee basis rather than a blanket exclusion. Ms. Cassetta recommended that the Board Members comments from today and previous meetings be worked into the language of the proposal and brought back to the Board at their next meeting. Mr. Popko stated that the proposal should also include that the Board may require face-to-face meetings in particular circumstances, such as disciplinary situations. Ms. Cassetta clarified for Joan M. Reynolds, P.A.-C, that the term 'rural' would have to be further defined to clarify the Board's intent. Michael E. Goodwin, P.A.-C, stated that he would prefer to see the Board take a more broad, generic approach and allow the means of supervision to be at the PA's and the Supervising Physician's discretion, but also allow the Board the authority to require a more stringent supervision when needed. Anna Marie Prassa expressed her concern that the opportunity for the Board to require more stringent supervision will only occur after a tragedy. Mr. Popko agreed with Ms. Prassa and stated that the Board should also be mindful of public and legislative perception. Ms. Cassetta noted that because physician assistant's who are geographically separated from their supervising physician must have the Board's permission to perform health care tasks Board Staff should be able to easily determine the number of PAs that are geographically separated from their Supervising Physician and the number of PAs that are working in rural areas. This information, as well as draft language for discussion and editing, will be available for the next regularly scheduled meeting.

Legal Advisor Report

Christine Cassetta, Board Counsel, reviewed the changes to the Physician Assistant Practice Act approved by the legislature.

FORMAL INTERVIEW

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
14.	PA-03-0020B	G.M.	SHANNON D. MCLEAN, P.A.-C	2736	Advisory Letter for inappropriate prescribing of an antibiotic without a physical examination. A.R.S. § 32-2501(3)(a) - While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.

Shannon D. McLean, P.A.-C, appeared before the Board with her attorney, Charles E. Buri. Dr. Roderic Huber, M.D., Board Medical Consultant, reviewed this case with the Board. The allegations are that PA McLean negligently diagnosed mycoplasma pneumonia and negligently prescribed Zithromax without a physical examination.

PA McLean made a statement to the Board. PA McLean reviewed the details of this case with the Board. She stated that she had returned a phone call to the complainant at the end of the business day. The complainant was very anxious and had called several times throughout the day. After speaking to the complainant and reviewing the patient's chart, PA McLean prescribed an antibiotic for the patient.

Michael E. Goodwin, P.A.-C, the presenting board member, began the questioning of PA McLean. PA Goodwin asked if it is PA McLean's practice to establish a diagnosis without performing a physical examination of a patient. PA McLean responded that at the time, based on the x-ray findings and the history given by the patient's mother, she felt that it was adequate to establish the diagnosis that she determined. PA McLean clarified for PA Goodwin that she did not review the actual x-ray film for this patient, but did review the radiology report that showed bilateral infiltrates. PA McLean stated that in retrospect, this incident has changed her way of practice because she is now more aware of issues that may arise. She also stated that she is cautious about relating to patients and the professionals who previously treated the patient. PA McLean stated that the follow up procedures for x-ray reports at this office were always a challenge. PA McLean clarified for Joan M. Reynolds, P.A.-C, that she is currently working for a different practice and the follow up procedure for patient results is very adequate and thorough.

MOTION: Michael E. Goodwin, P.A.-C, moved to issue an Advisory Letter for inappropriate prescribing of an antibiotic without a physical examination.

SECONDED: Peter C. Wagner, D.O.

FORMAL INTERVIEWS (Continued) - SHANNON D. MCLEAN, P.A.-C

Mr. Buri made a statement to the Board. Mr. Buri stated that PA McLean was put in a difficult position. Although this was not her patient, she took the initiative to return the call to the complainant and cared for the patient to the best of her ability by prescribing an antibiotic. Mr. Buri stated that prescribing the antibiotic did not constitute a danger to the child and asked the Board to dismiss this case.

Albert Ray Tuttle, P.A.-C stated that he would not support an Advisory Letter and recommended dismissal.

ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: Randy D. Danielsen, Ph.D., P.A.-C, Michael E. Goodwin, P.A.-C, Sigmund Popko, Anna Marie Prassa, Peter C. Wagner, D.O. The following Board members voted against the motion: G. Bradley Klock, D.O., James Edward Meyer, M.D., Albert Ray Tuttle, P.A.-C, Joan M. Reynolds, P.A.-C. The following Board member was absent from the meeting: Barry D. Weiss, M.D., FAAFP
VOTE: 5-yay, 4-nay, 0-abstain/recuse, 1-absent
MOTION PASSED.

NON-TIME SPECIFIC ITEMS

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
1.	PA-04-0010A	ARBoPA	CARTER S. ANDERSON, P.A.-C	2089	Dismissed.
2.	PA-04-0006A	D.S.	CHRISTINE M. SUSURAS, P.A.-C	2743	Dismissed.
3.	PA-04-0003A	F.G.	MARTIN BRANDT, P.A.-C	2204	Dismissed.

MOTION: G. Bradley Klock, D.O. moved to dismiss case numbers 1 through 3.

SECONDED: Albert Ray Tuttle, P.A.-C

VOTE: 9-yay, 0-nay, 0-abstain/recuse, 1-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
4.	PA-03-0020A	G.M.	MARION W. MEMMOTT, P.A.-C	2255	Advisory Letter for failure to follow up on x-ray report. A.R.S. § 32-2501(3)(b) The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action.
5.	PA-04-0018A	ARBoPA	ELAINE M. ACCOMANDO, P.A.-C	2840	Advisory Letter for performing healthcare tasks prior to the supervising physician receiving approval and failing to notify the Board of the termination of employment from the prior supervising physician. A.R.S. § 32-2501(3)(b) The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action.

MOTION: Anna Marie Prassa moved to issue Advisory Letters for case numbers 4 and 5.

SECONDED: Michael E. Goodwin, P.A.-C

VOTE: 8-yay, 0-nay, 1-abstain/recuse, 1-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
6.	PA-01-0015	R.D.	ERIC A. CASTANEDA, P.A.-C	2129	Notice licensee regarding the potential violation of the board order, continue the investigation, including another chart review, and invite the licensee for a formal interview within 30 days. Refer the Supervising Physician's to the Medical Board. Require licensee to be seen for a psycho-physiological evaluation, including a polygraph exam, by Dr. Stephen R. Gray within 30 days, if Dr. Gray's schedule permits.

Paula Arcuri, Board Senior Compliance Officer, reviewed this case with the Board. Ms. Arcuri stated that PA Castaneda violated his current Board Order by seeing two male minor patients between March 4, 2003 and May 6, 2004. Christine Cassetta, Board Counsel, clarified that when a Physician Assistant (PA) fails to comply with a Board Order, the Board could open an investigation, notice the licensee, and ask as the PA to appear for a Formal Interview after an investigation has been conducted.

NON-TIME SPECIFIC ITEMS (Continued) - ERIC A. CASTANEDA, P.A.-C

MOTION: Sigmund Popko moved to further investigate this case and invite PA Castaneda to a Formal Interview.

SECONDED: Anna Marie Prassa

Michael E. Goodwin, P.A.-C, expressed concern that this PA would be allowed to continue to practice during the investigation. The Board moved to Executive Session at 2:12 p.m.

The Board returned to Open Session at 2:30 p.m.

Albert Ray Tuttle, P.A.-C, moved to amend the motion that the Formal Interview should occur within 72 hours of today's date. Ms. Cassetta suggested that a more reasonable recommendation would be that Board Staff conduct the investigation as expeditiously as possible and that the Board Members be informed as soon as the investigation is complete and a special meeting be scheduled. PA Tuttle agreed to this recommendation.

Ms. Cassetta also informed the Board Members that the Board Staff has the ability to visit PA Castaneda's office anytime after the licensee has been noticed to review medical records and patient logs. If Board Staff finds that PA Castaneda has again violated his current Board Order, the Board may schedule a summary action meeting within 24 hours.

MOTION: Albert Ray Tuttle, P.A.-C, moved to notice PA Castaneda regarding the potential violation of the board order, continue the investigation, which encompasses another chart review, and invite the licensee for a formal interview within 30 days.

SECONDED: Anna Marie Prassa

VOTE: 8-yay, 1-nay, 0-abstain/recuse, 1-absent

MOTION PASSED.

MOTION: G. Bradley Klock, D.O., moved to notice the Supervising Physician of the alleged violation of Board Order.

SECONDED: Anna Marie Prassa

VOTE: 9-yay, 0-nay, 0-abstain/recuse, 1-absent

MOTION PASSED.

MOTION: James Edward Meyer, M.D., moved to require that PA Castandeda be seen for a psycho-physiological evaluation, including a polygraph exam, by Dr. Stephen R. Gray within 30 days, if Dr. Gray's schedule permits.

SECONDED: Anna Marie Prassa

Wendy Nicholson, Professional Conduct Division Chief informed the Board that it may be difficult to arrange the evaluation within 30 days, however Board Staff will do their best. Dr. Meyer stated that if the evaluation cannot be completed before the 30 days, the Formal Interview will continue without it.

VOTE: 8-yay, 1-nay, 0-abstain/recuse, 1-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
7.	PA-04-L002A	ARBoPA	LANA K. SUTHERLAND, P.A.-C	2014	Request for (Continuing Medical Education) CME Extension Granted.

MOTION: G. Bradley Klock, D.O., moved to approve the request for CME Extension.

SECONDED: Michael E. Goodwin, P.A. - C

VOTE: 9-yay, 0-nay, 0-abstain/recuse, 1-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
8.	PA-04-L001A	ARBoPA	EDWARD T. BEAULIEU, P.A.-C	N/A	Application for Licensure Denied.

Lisa Bruning, Senior Licensing Investigator, and Michelle Semenjuk, Licensing Division Chief, reviewed this case with the Board. The allegation is that Mr. Beaulieu practiced medicine with an expired Arizona Physician Assistant (PA) license.

Ms. Semenjuk clarified for the Board Members that Mr. Beaulieu does not currently hold a temporary license or a certificate with the National Commission on Certification of Physician Assistants (NCCPA). Ms. Semenjuk also stated that there are two different documents, brought to the Board's attention, by the Department of Motor Vehicles, signed by Mr. Beaulieu and affixed with his PA credentials. Christine Cassetta, Board Counsel, informed the Board of their options with this case. Ms. Semenjuk stated that there is currently an open investigation regarding the M.D. involved in this case. James Edward Meyer, M.D., pointed out that Mr. Beaulieu has a history with the Board of prescribing issues and expressed concern if this individual were granted a license.

NON-TIME SPECIFIC ITEMS (Continued) - EDWARD T. BEAULIEU, P.A.-C**MOTION:** Anna Marie Prassa moved to deny licensure based on statutory violations noted by Board Staff.**SECONDED:** Michael E. Goodwin, P.A.-C

G. Bradley Klock, D.O., stated that he would prefer to table this case until more information is available. Ms. Cassetta clarified that if the license is denied, Mr. Beaulieu does have the right to request a Formal Hearing.

ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: Randy D. Danielsen, Ph.D., P.A.-C, Albert Ray Tuttle, P.A.-C, Michael E. Goodwin, P.A.-C, G. Bradley Klock, D.O., James Edward Meyer, M.D., Anna Marie Prassa, Joan M. Reynolds, P.A.-C. The following Board members voted against the motion: Sigmund Popko, Peter C. Wagner, D.O. The following Board member was absent from the meeting: Barry D. Weiss, M.D., FAAFP

VOTE: 7-yay, 2-nay, 0-abstain/recuse, 1-absent**MOTION PASSED.**

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
9.	PA-04-L101A	ARBoPA CHERYL J. MCGOVERN, P.A.-C	N/A	Application for Licensure Denied.

Lisa Bruning, Senior Licensing Investigator reviewed this case with the Board. The allegation of this case is that PA McGovern failed to advise the Board of probation during employment and that PA McGovern had excessive patient complaints and inflammatory interactions with Emergency Department staff and patients. Peter C. Wagner, D.O. stated that the evidence of this case is very clear.

MOTION: Michael E. Goodwin, P.A.-C, moved to deny application for license based on statutory violations noted by Board staff.

SECONDED: Peter C. Wagner, D.O.

ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: Randy D. Danielsen, Ph.D., P.A.-C, Albert Ray Tuttle, P.A.-C, Michael E. Goodwin, P.A.-C, G. Bradley Klock, D.O., James Edward Meyer, M.D., Sigmund Popko, Anna Marie Prassa, Joan M. Reynolds, P.A.-C, Peter C. Wagner, D.O. The following Board members were absent from the meeting: Barry D. Weiss, M.D., FAAFP

VOTE: 9-yay, 0-nay, 0-abstain/recuse, 1-absent**MOTION PASSED.**

NO.	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
10.	DOUGLAS L. FILLMORE, P.A.-C	2683	Request for Cancellation of License Granted.
11.	ANN N. EHRET, P.A.-C	1600	Request for Cancellation of License Granted.
12.	WILLIAM BOMBERGER, P.A.-C	1371	Request for Inactivation of License Granted.
13.	BETTY J. COOPER-RITCHEY, P.A.-C	1299	Request for Inactivation of License Granted.

MOTION: James Edward Meyer, M.D., moved to grant the requests for cancellation and inactivation of licenses for case numbers 10 through 13.

SECONDED: Anna Marie Prassa**VOTE:** 9-yay, 0-nay, 0-abstain/recuse, 1-absent**MOTION PASSED.****Executive Director's Report**

FY 2003 – 2004 Annual Report

FY 2004 – 2007 Strategic Plan

Agency Reports

Executive Director's Delegated Authorities – Summary of Actions

Staff Reports

Budget Update & Summary Report (through June 30, 2004)

Human Resource Update

Attendance Update**Executive Director's Scheduled Meetings**

NON-TIME SPECIFIC ITEMS (Continued)

Proposed 2005 Board Meeting Dates

MOTION: Albert Ray Tuttle, P.A.-C, moved to accept the proposed 2005 Board Meeting Dates as written.

SECONDED: Anna Marie Prassa

VOTE: 9-yay, 0-nay, 0-abstain/recuse, 1-absent

MOTION PASSED.

Approval of Minutes

MOTION: Albert Ray Tuttle, P.A.-C, moved to approve the May 19, 2004, Meeting Minutes *including Executive Session Minutes*

SECONDED: James Edward Meyer, M.D.

VOTE: 8-yay, 0-nay, 1-abstain/recuse, 1-absent

MOTION PASSED.

Election of Officers

MOTION: Joan M. Reynolds, P.A.-C, moved to nominate Randy D. Danielsen, Ph.D., P.A.-C as Board Chair.

SECONDED: G. Bradley Klock, D.O.

Randy D. Danielsen, Ph.D., P.A.-C, declined to accept the nomination as Board Chair noting that he had recently been made Dean at the School of Health Sciences and would be unable to devote the necessary time to being Chairman.

MOTION: Michael E. Goodwin, P.A.-C, nominated Albert Ray Tuttle, P.A.-C as Board Chair.

SECONDED: Anna Marie Prassa

VOTE: 9-yay, 0-nay, 0-abstain/recuse, 1-absent

MOTION PASSED.

MOTION: James Edward Meyer, M.D., nominated Michael E. Goodwin, P.A.-C, as Vice Chair.

SECONDED: G. Bradley Klock, D.O.

Michael E. Goodwin, P.A.-C, declined to accept the nomination as Vice Chair.

MOTION: Peter C. Wagner, D.O., nominated Joan M. Reynolds, P.A.-C, as Vice Chair.

SECONDED: Anna Marie Prassa

VOTE: 9-yay, 0-nay, 0-abstain/recuse, 1-absent

MOTION PASSED.

Meeting adjourned at 3:18 p.m.

[seal]

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director